App. F. IX-4

Previous References 1935. (Law)

File No. 203-35-

Serial Nos. 1-17

Letter References.

See 102-37-1-8
" 53-38-11-1
" 2-38 (24) 25

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eighteen

Part B for July 19

SUBJECT.

Electrical department defalcation case.

WD 0418—GPB—22,500—29-8-36

Serial No.

From

The District Magte

No. J. 1603/35-36 dt 13.5.36

that the investigation has

and the Police propose to place

Charge Sheet under sec 420, 468,

and 109 I.P.C. against 6 persons

soliciting sanction of Govt to

one Mr T.K. Ranjappa, Hd Acct

who is one of the 6 accd)

1) It is stated in para 8-9 of the investigation

that the Head Accountant (A6) is also responsible

for the frauds along with the A.Cs, for having

false certificates ignoring the alterations and

on the Vouchers. He is an officer drawing a

pay Rs 100/- p.m. Sanction is therefore solicited

u/sec 197 Cr.P.C. to prosecute him.

Submitted for orders.

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 2085
Date 15.5.36

No. P 20935
dtd 14-5-1936

ISD
14/5

2) Papers, if any, connected with this c
may kindly be put up pr' repre

Electrical Secty with compts

pdg arr

EOS
Immediate
14.5.36

EDS
58's
Col. One
file

25/15/5/36.

3) The papers of this Mem a
herewith put up

The Govt Secy (Law Dep
Hon

5/6/36

NOTE—Contn. Sheet.

c) The departmental enquiry and the Chief Electrical Engineer's report as regards Mr. T. K. Nanjappa Headacct is to the effect that he is guilty of only a technical error & nothing more (Vide linked file).

5) The Police Inspector who has investigated the case says in his report (Flag V) that the fact that Mr. Nanjappa has given certificates consistently ignoring the corrections & erasures on the vouchers shows that his conduct is inconsistent with innocence & it is therefore proposed to include him as an accused in the charge sheet. The DI rightly forwards his report and asks for sanction of prosecute, but he does not ~~[illegible]~~ seem to have himself examined the case with a view to form an opinion as to the existence or otherwise of a prima facie case against this accused. A prosecution of a public servant ~~[illegible]~~ cannot be sanctioned under Sec 197 Cr. P. Code unless the sanctioning authority is satisfied of the existence of a prima facie case ~~[illegible]~~ The materials furnished about

Mr. Bhadwati Tandingwa

7029 3

D

Serial No.

no basis for coming to any conclusion on this matter & the Dist Magte gives no independent opinion -

Submitted for orders - The Question of giving sanction in such cases is a Council matter (clause VIII of Schedule) -

(Gen Sec'y) MRL 15/5

Frequently? ie this is not council case MRL

b) The Dist. Magte's recommendation implies the view that A6 the HD Acct's conduct is incompatible with connivance - Sanction to prosecute then may be given.

HMD 16/5

(First Member)

I agree - There is no object in letting him off. The other two will probably incur blame on him

FOR 18/5 W -

(Dewan)

DEWAN'S OFFICE 21 MAY 1936 No. 1162

HMD 21-5-36

NOTE.—Contn. Sheet

25 MAY 1936

WD 03594—GPB—30,000—18-7-35

HMD 25/5

xxx

8) Draft today MRL 25/5

Law File N. of 1935. | General and Revenue Secretariat

Dft S.O. sanctioning subn for appl
P.S. (i) under Sec 197(2) Govt may determine
the person by whom & the manner in which
the prosecution may be conducted & may
specify the Court before which the trial
is to be held. As it is the Police Inspector
'A' Ox that has investigated this case
& asks for sanction & as it is reported
that the case would be before the city
Magl Bore, in the draft PO, it is proposed
to authorise the P. Inspector to take
further proceedings in the matter.
Draft is for approval

(Gensec) DSP 25/5

(ii) DSP may take action. Done as advised

Rec'd 26/5

Todar DSP 26/5

26 MAY 1935 GENL & REV. SEC

GENERAL 826 25 MAY

Elect Secrt Limited file taken

In all future communications please quote
No. J1.1855/35-36
Enc.

l. Address.—"DEPCOL
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated, Bangalore, the 30th May *193*6

203-35-2

FROM

H. V. RAMASVAMI, ESQ., M.A.,B.L.,
District Magistrate,
Bangalore District.

2/6 To

A. V. RAMANATHAN, ESQ., B.A.,
Chief *Secretary,*
to the Government of Mysore.
BANGALORE.

-sanctioning

SIR,

Subject:—

MNL 3/6/36

Adverting to Government Order No.P.7867-71 Law.203-35-2 dated 26-5-1936, regarding the prosecution of T.K. Nanjappa, Head Clerk of the Office of the Chief Electrical Engineer in the Electrical Department Defalcation case, I have the honour to state that the City Superintendent of Police reports that a cnarge sheet will be placed before the City Magistrate, Bangalore in the Electrical Department Defalcation case.

As this is a very important ed case in which Government money has been embezzled to the extent of Rs.10,000/-, I recommend that the Public Prosecutor, Bangalore Division may kindly be ordered to conduct the case.

The favour of immediate sanction is solicited.

I have the honour to be,
S i r,
Your most obedient servant,

DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

SVS.30-5-36.

ex a dft G.O. sanctioning
14 may be approved
(1st member)

TYPING SECTION
8 JUN 1936
HOME & REV. SECTT.

MNL 16/36

(1st member)

Ch defalcation Case.
7029 b

General and Revenue Secretariat. | Law File No. 203 of 1935 | [App. F. III-2

4 To,
The D. M. Bone
G.R.
Comptroller
D. S. P.
S.O. no. P. 8113-16 d. 6.6.36 Sanctn
vide proposal.

16) Resubd for perusal after issue
ISD 8/6 (Genl Secy) DMP 8/6

This ch Secy
Secd Member
DMP 10/6 DMP 11/6
Bm 11-6-36

GENERAL SECRETARY 10 JUNE 1936

GHI SECRETARY 11 JUNE 1936

OFFICE OF THE NO MEMBER OF COUNCIL. 11 JUNE 1936 9649

17) Bo D for please Inw 12/6 DMP 11/6/36

DMP 12/6.

18) Subd vide D. F. n.
ISD 13/6. (Genl Secy) Inw 13/6 DMP 13/6

First Member
DMP 15/6.

19) Not a Council case - I am sorry the paper was unnecessarily circulated. D Fr cancelled. Orders have issued on Dom's letter 730

Electrical Dept Kolar Transmission

738

General and Revenue Secretariat

Law File No. of 1935.

From,

The D.M. B'lore

No. J1-1935/35-36 dt 18-6-36 stating that the DSP B'lore reports that a Case has been registered and investigated by 'A' Station B'lore on a Complaint received from the Ch. El. Engr. B'lore after that there has been a forgery of accounts in Connection with the remodelling of the Kolar transmission line and soliciting sanction of Govt. for the prosecution of Messrs. T.K. Ramayya, and K. Seetharamaiah of the Ch. El. Engineer's office, who are drawing a salary of Rs 100 p.m. each and a dft for Rs.0 sanctioning for order.

2) The present reference is about other defalcation in respect of work in remodelling the Kolar transmission line. It is proposed to

Defalcation in the Elec. Dept (Kolar transmission line)
& 7738

General & Revenue Secretariat. File No. 203 of 1935. [App. F. III–2

Serial No.

Public servants drawing a salary of Rs 1000/- & above & so removable only with the approval of Govt.

iv) In the defalcation in respect of the Bhavavati transmission line, sanction was not asked for prosecuting one R. Suryanarayanarao, ~~who was~~ a bill checking clerk Apparently that Suryanarayanarao was not getting a salary of Rs 1000/- and could be dismissed without sanction of Govt.

v) Draft GO in accordance with the Dt engrs letter now under disposal is put up & submitted for approval.

(Gen Secy) 22/6/36 24/6/36.

24/6.

(First Member)

25/6

(Dewan)

vi) Issue GO 25/6.

25/6.

D. No. dt. Chief Engr, P.W.D., Secretariat, Madras. Govt. G.O. Ms. No. 1000 dt 27.6.36 sanctioning

22 JUN 1936 569

iii) In the P.W.D. which was received late on Friday the 19th the Chief Secy has marked the paper to 1st mr & Dewan for perusal Since orders have to be passed, the case has been worked up & submitted with the necessary draft Today.

22/6/36

iv) Please verify.

This will be verified before issue

24/6.

(signed, vide P.S. to Dewan dt 24/6/36)

OFFICE OF THE FIRST MEMBER OF COUNCIL 24 JULY 1936 9 SECTS

TYPING SECTION 25 JUN 1936 GENL & REVN. SECTT.

NOTE—Contn. Sheet.

File No. 203 of 193 S. General and Revenu Secretariat

From,

The City Magte. Blore

R.R. no. 45,444/35-36 d 24.6.36 forwarding
Witness Summons in C.C. 1094/35-36
(Govt vs Doddaiya Jones)

Ch. Secretary's orders on the P.W.D.

xx) "Send"

(Sd) AVR
26/6

xx) This is a Summons for production of the
report of the D. M. Blore which is the basis
for G.O. d 26.5.36 sanctioning the prosecution of M.T.K
Ramiyappa, Hd accountant, Ch. Sl's Engr's office, Blore
The D. M's letter d 13.5.36 may be sent to the
P.W. Blore instructing him to produce the same
on the next date of Hg. if no privilege in his opinion can be
claimed in respect of it. The Summons in original
may be returned with due endorsement of service
effected on

2 Diffts Advs for appt in order.

JSD 27/6.

xx) For perusal before issue

Govt Secy) JMP 27/6

Issue 28/6

today

xx) Issue

Defalcation in the El Dept 1935/10 68

General & Revenue Secretariat. File No. 203 of 1935 [App. F. III–2

Serial No.

To,

The Hon. Blue

no. S. 8650 d 29.6.36 forwarding the D.M.'s letter d 13.7.36

The City Magte. Blue

no. S. 8649 d 29.6.36 returning the summons.

From,

The Hon Blue

no. 17/35-36 d 2.7.36 stating that it would be advisable to claim privilege in respect of the document summoned, and that no sanction of Govt appears necessy to prosecute any of the accused persons as they are not public servants nor removable from office except with the sanction of Govt and soliciting despatch in the matter.

35) Verify by reg^rs to El Secty

(sd) mej

Regrs for 33 sigma. 3/7.

36) As regards the suggestion of the Hon in para 3 of the S.W.D. this may be sent to the El Secty for necessary verification of the statements made and return.

Sd 3/7

37) For favour of putting up copies of orders of Govt, if any, which indicate the powers of the Head of the El: Dept to dismiss officials in

NOTE—Contn. Sheet.

the Deptt without sanction of Govt.

Asst Secy Elects } ROL
with Compts } 3/7

EDS
Immediate
3/7/36

38) A copy of G.O. No EDS 373-430 dated the 25th July 1924 with the correction slip & item No 9 (i) of that G.O. defining the powers ~~of Sanction~~ to be exercised by the Chief Elect. Engineer placed in the file.

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 3
Date 4.7.36

Regarding the Chi. Engrs Powers for dismissal of officials reference is invited to item No 9 of the Schedule of Powers.

BR
4/7/36

No EDS. 32.
Encl. In file
D/ 4.7.36.

Asst Secretary Law Section
with Compts

39) The G.O put up will ~~have~~ be sent to the PWr. It is clear that Sanction is necessary ~~to take~~ in the cases of Thimajappa & another & that therefore what has been done is all right.

Sub^o for perusal

Gen Secy) ROL
4/7

GENERAL - 4 JULY 1936 - 1 OS

40) In the earlier case you ~~have~~ push

Jalkaitan Case

65 12

General and Revenue Secretariat — Law File No. 203 of 1935. — [App. F. III—2

Serial No.

only one man. Was it not necessary to examine him in the other man's case

hre 4/

(1) I think it would be necessary if the R. Suryanarayanarao involved in the first case is in a grade the maximum of which is 100 or above. I shall make enq & submit further proposals.

Genl Secy

(2) yes hre 4/7

(3) Dft to Govt hre 4/7

(4) Dft sub?

TSD 7/7

(5) Issue & resubmit hre 7/7/36.

To,

The Govt. of Orissa

no. P. reg. dt 8.7.36 forwarding a

ree S.O. dt 25.7.36.

(6) Resubd. with ref^ce to 4 & 5 supra.

TSD 8/7

(7) Issue Dft to Govt. for hre

TYPING SECTION 7. JUL. 1936 GENL. & REV. SECTT.

WD 01955—GPB—22,500—12-6-34

In all future communications please quote
No. J1-1939/25-36
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 3rd July *193* 6.

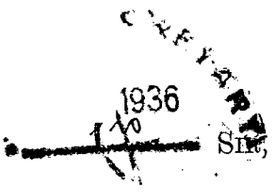
Law 203-35-60

FROM

H.V. Ramaswami, Esq., M.A.,B.L.,
District Magistrate,
Bangalore District.

To

K. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
Bangalore.



Sir,

Subject:—

Adverting to Government order No.P.8600-60/Law.203-35-6 dated 26/27th June 1936 sanctioning the prosecution of Messrs. K. Suryanarayana Rao and T.K. Manjappa in connection with the defalcation in the remodelling of the Kolar Transmission Line in the Electrical Department, I have the honour to state that the City Superintendent of Police reports that charge sheets have been placed against the accused before the City Magistrate, Bangalore and that the services of the Public Prosecutor are necessary to conduct the prosecution as it is a very important and complicated case.

In the circumstances I recommend that the Public Prosecutor may kindly be directed to conduct the aforesaid case.

The favour of immediate orders of Government is solicited.

I have the honor to be,
Sir,
Your most obedient servant

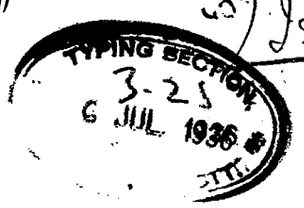
For District Magistrate
Bangalore District.
(Absent from Station.)

The main file has been ordered referred in connection with the question of production of documents in the Court.

SS/-

Sub? was a dge G.O. sanctioning

Issue Todar



To,
The D.M. Blre
" GM
" Comptt.
" Challang
" Secretariat

G.O.No.R 190-5 dt 6.7.36

General and Revenue Secretariat. | Law File No. 203 of 1935. | [App. F. III-2

To,

The Dy. Ch. El. Engr.

D.O. No. P. 972 dt 8.7.36 enquiring about the pay of Messrs. K. Surya Rao & K. Suryanarayana Rao.

Sup.A 9/7/36

D.O letter No: 12 / 9.7.36 from the Deputy chief El: Engr

Letter No: 30 / 9.7.36 from the Public Prosecutor, Bangalore

(1&8) Refee: para 41. The Deputy chief El: Engr's letter shows that ~~K.~~ Suryanarayana Rao involved in the Bhadravati Transmission Line Case, was drawing a salary of Rs 45 in 30-3-45. No sanction of Govt was therefore necessary to prosecute this man and the G.O of 26th May 1936 issued in this behalf therefore is correct and no revision on this account.

(4) As regards G.O of 27th June 19 sanctioning the prosecution of K. Suryanarayana Rao & Vaijappa in the case arising out the Kolar Transmission Line, it is noted from the Public Prosecutor's letter of 9. and the Deputy chief El Engr's letter also of same date, that what was reported in the Dy. Engr's letter of 18th June about K. Su

NOTE—Contn. Sheet.

was incorrect. This K. Suryanarayanaiah is now reported to be the same as R. Suryanarayanaiah and consequently no sanction under Sec 197 Cr.P.C. was necessary for this man being prosecuted. It is really surprising how inspite of my D.O letter of 26th June, the P.A to the D.C persisted in the wrong report sent on 18.6.36: On account of this mistake, I think the present sanction given in respect of the Kolar Transmission line case is to be revised. It is doubtful if this will necessitate the present charge sheet now presented. On the basis of the G.O of 27th June to be withdrawn and a new one placed before the Court. Fortunately this case has not yet begun and therefore there is no difficulty in correcting the error now.

The Public Prosecutor raises another interesting point in the penultimate para of his letter of 9th July and that is that in view of the decision in 1934 Rangoon 238, Sanction of Govt would be necessary to prosecute all the officials involved in the case including D. Ramachandrachar, whatever their pay or grade may be. The decision in 1934 Rangoon 238 is

and is based on another decision of a Sing Judge of the Madras High Ct in 33 I.C. 648 The principle laid down in these decisions is that if the power of dismissal is deri by delegation from Govt, then the pow though exercised by the an authority othe than Govt; ~~is really exercised~~ in law i act is the act of the Govt performed through the medium of the authority to which the power is delegated. It is therefore said that sec 197 Cr. P. Code applies to all public servants who are liable to be dismissed ~~merely~~ by Govt either direct or through a delegated authority - This ruling of Madras in 33 I.C has not been followed in 1926 All 271 and it has been specifically discussed & dissented from in a very recent case in Madras reported in 1935 Mad 442 which is moreover a decisio of a Bench of two Judges, Curgenven & King J. In this case it is well pointed out that if the Construction of Coutts Trotter J in 33 I.C is accepted, sec 197 would apply to all Govt servants, because the power to remove them is in every case derived

WD 03594—GPB—30,000—13-7-35

from Govt. As observed in this decision, Sec 197 "intends to draw a line between public servants and to provide that only in the case of the higher ranks should the sanction of the Local Govt to their prosecution be necessary" and it is therefore held that sec 197 does not apply to public servants whom some lower authority than Govt has by law or rule or order been empowered to remove.

5) Again in a full Bench case of the Rangoon High Court itself, it has been decided (1935 Rang 263) that when the power to appoint or dismiss is transfered by Govt to another officer, the act of appointing or dismissing is the act of that officer and not the act of Govt. In this ruling however, 1936 Rangoon 238 is distinguished as being a case of delegation and not of transfer and is therefore not over-ruled. But it is submitted that in view of this ~~decision~~ FB decision and others, the authority of 1934 Rang 238 ~~and others of that~~ is very

Serial No.

much open to doubt and need not be relied on here in Mysore.

5) There is therefore no need to get Sanction of Govt under Sec 197 for the prosecution of D Ramachandra Rao or R Suryanarayanarao in the two cases — As for Nanjappa, the maximum pay of his Grade is reported to be Rs 100/- and so according to the Correction Slip No 5 of 9 May 1927 issued to G.O of 25 July 1924 defining the powers of the Chief El Engr, he may also be removed by the C E E without sanction of Govt. But as this is not very clear from the G.Os referred to, there is no harm that I think, in proceeding with the cases on the basis of the sanction already accorded. The points involved being of some doubt and difficulty, I think, the Govt advocate also may be consulted before instructions are issued to the Pr.

Subt for perusal and orders.

Gen Secy) 10/7/36

The El. case has been adjd to 20th inst

The case of Mr Nanjappa and is given both cases. There is no harm in its doing

WD 03594—GPB—30,000—18-7-35

Low File No. 203 of 1935 — General and Revenue Secretariat

Sf the Suryanarayana Rao whose prosecution has been sanctd is drawing Rs 100 the order of Rs may stand. The errors may be corrected by a go after verification if necessary

As the other Suryanarayana Rao's pay is less than Rs 100 sanctn need not be given by Govt.

Please consult G.A also as suggested

Sd
10/7/36

Sd) Forwarded with compliments to the Govt Advocate for favour of advice as to the best course to ~~be~~ be adopted under the Circumstances

M Govindan
7/7/36.

R.O. 87

turned with compliments.

R.O. Dis. 7/36-37 dt 15.7.1936

Sd) According to the correction slip dated 25-7-1924 notion of Government does not seem to be necessary - en for prosecuting Mr Nanjappa. But as it has already been given it may stand and nothing more need be done in his case. As regards Mr. R. Suryanarayana Rao now sanction is necessary in the light of the facts now reported. The Government Order sanctions the prosecu-

B

tion

Serial No.

prosecution of Mr. K. Suryanarayana Rao, Checking Clerk, whereas the charge-sheet now placed before the Court is is against Mr. R. Suryanarayana Rao, Bill checking clerk The sanction for prosecuting Mr. K. Suryanarayana Rao can be of no use for prosecuting Mr. R. Suryanarayana - Rao. As a matter of fact the two were considered then to be different individuals. As no sanction is necessary for the prosecution of Mr. R. Suryanarayana Rao I do not think there is any necessity to move further in the matter. The cases may go on as they are and there is no need to withdraw any of them and place - fresh charge-sheets before the Courts. It would be enough if the Government Order is suitably amended and the circumstances that led to it explained. If the Public Prosecutor deems it necessary, the mistake may be brought to the notice of the Court on the next date of hearing. It may also be noticed that section 197 Criminal Procedure Code only forbids the prosecution of a class of public servants without the sanction of - Government. Any sanction given in cases not requiring it cannot render the trial invalid as such a sanction would be a superfluity and nothing else.

Govt. Memo 1977

V. Meenakshisundaram Iyer
Government Advocate.
15.7.1936.

(1) Please put up a draft G.O as suggested at A.

16/7/36.

WD 03594—GPB—30,000—13-7-35

2\ Electrical Defalcation Case

Law File No. 203 of 1935. | General and Revenue Secretariat

S6)
Submitted with a draft G.O.

S7) Typed draft, today
me
6/7

S8)
Typed draft
Subd.

S9) Submitted with a draft G.O. as suggested at 'A' in the G.A.'s note above. This, I think will be sufficient.

10) As re: the necessity or otherwise for sanction in the case of Mr. Nanjappa, the P.Rr will be informed that the sanction given may stand though it is according to the correction slip of 25.7.24, there may be no legal necessity to obtain such sanction. Vide 'D' in G.A.'s note.

Gen Secy) me
16/7

503

For perusal before issue
Hd
17/7/36.

ember)
me
20/7

Issued
Law 203-35/14
-5/7-36.

OFFICE OF THE FIRST MEMBER (F & J) BOARD
20 JULY 1936
491

TYPING SECTION
21 JUL. 1936
GENL. & REVENUE SECTT.

Electric Defalcation Case.

General and Revenue Secretariat | File No. Law 203 of 1935 | [App. F. III—2

Serial No.

Today

Issue the draft letter to the P.P. put up.

24/7

Issued to P.P., Bkore in P641 Law 203-35-15, dated 22nd July 1936 informing that no further orders are necessary ~~Sanctn~~ Since Sanction under Sec: 197- is already given in a

from

the P.P., Bdlore.

Letter no. 134/36-37, dated 23rd July 1936 Soliciting Sanction for incurring the cost in obtaining copies of depositions & exhibits in the case.

Subd with a dft ~~of~~ reply

24/7

Issue

24/7

Issued to P.P. in D.O. No. P 693, dated 24th July 1936 intimating that Govt. will have no objection to meet Reasonable expenses for obtaining copies in Elec. Defalcn. Case.

Subd after issue.

24/7

25/7/36

SMS A. 25.7.36

PING SECTION 8. JUL. 1936 L & REV. SECT.

La. File No. 203 of 193

General and Revenue
Secretariat

From

The P. M., Bhore

Letter no 218/36-37, D/ 4-8-36 re: the Ld
Soliciting instructions about the documents to
be treated as privileged in the above case

Letter no 215/36-37, D/ 4-8-36 re: Recalling
Mr. Hayath to examine him with exhibit
certain documents thro' him

~~Subd a d/c for approval~~

In all future communications please quote
No. J1-885/35-36
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 27th March 193 6

DEWAN'S OFFICE
APR. 1936
5994

CHIEF SECRETARY
Law
31 MAR. 1936

OFFICE OF THE
1 APR. 1936
7090

84

FROM

H. V. RAMASVAMI, ESQ., M. A., B. L.,
District Magistrate,
Bangalore District.

To

A. V. RAMANATHAN, ES.
Chief Secretary to Government,
BANGALORE.

Subject:—

I have the honour to state that it has been reported by the City Superintendent of Police, Bangalore City, that on a complaint received from the Chief Electrical Engineer to the Government of Mysore, Bangalore on 24-3-36 to the effect that there has been a falsification of accounts in the carting bills paid to the carting contractor N. Dodd of Nelamakanahalli Malavalli Taluk, in connection with the construction of the Mysore - Bhadravati Transmission line a case has been registered under Sec. 420 and 477 A. I.P.C. and the investigation in proceeding.

Further progress regarding the investigation will be intimated in due course.

I have the honour to be,

Sir,

Your most obedient Servant,

H V Ramaswami
DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

6360 P 35
25

POLICE DEPARTMENT.

"POLICE"
PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYS

When replying please quote No. C.12

5-7-35-Bt
Dve

Dated Bangalore, the 16th April

FROM

E. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

DIWAN'S OFFICE
RECEIVED
No. 6331
CHIEF SECRETARY.
16 APR. 1936

A.V.Ramanathan,Esq., B.A.,

Chief Secretary to the Government of Mysore,

Bangalore

SIR,

I have the honor to enclose herewith a copy of letter No.C1.614/35 dated 11-4-1936 from the District Superintendent of Police, Bangalore City in regard to a case of falsification of accounts in Electrical Department. The investigation in the case is being pushed through. Further report will be sent in due course.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
17 APR. 1936
No. 7376.

16/4

17/4.

17-4-36

There was report from the Dt mgte. Where is it?

21/4

The D.M's report d 17.3.36 is forwd.
Secy. Thanks. This case has to be watched in the Law

TSD 21/4

Letter No. C1.614/35-36 dated the 11th April, 1936 from the District Superintendent of Police, Bangalore City, to the Inspector General of Police in Mysore.

Falsification of accounts in the Electric Department

In continuation of this office letter No.C1.614 dated 25-3-1936 on the above subject, I have the honor to state that on 23-3-1936 the Chief Electrical Engineer sent in a letter stating that there has been a falsification of accounts in the carting bills of - Contractor Doddiah of Nelamakanahalli in connection with the - construction accounts of the Mysore Bhadravathi Transmission line and that amounts much more than admissible had been claimed by fraudulent means and payments made etc.,

On receipt of this, a case under Sections 420,477-A I.P.C. has been registered as Cr.No.102/35-36 of AII Station and is being investigated by the Inspector of Police, 'A' Division.

From the investigation so far made, it is seen that a sum of 10,002-5-1 has been ascertained to have been defalcated and that the amount exceeds the budget by Rs. 15,000/-.

Contractor Doddiah, Patel Siddiah and T.Veerappa are the three contractors who were jointly carrying on the business of carting the poles and other materials on the Mysore-Holenarasipur Section. None of these contractors have maintained any account of the carrying business.

The bills of these contractors have been alleged to have been prepared by one D.Ramachandrachar an Accounts clerk in the office of the Chief Electrical Engineer. The carting sheets were prepared by carbon process in triplicate, the original was kept in the book, the duplicate was given to the contractor and the - triplicate was intended to be sent to the Sectional Officer for

purposes of checking the duplicate.

The bills submitted by the contractors were supported by the duplicate carting sheets which have been altered, erased and re-written in many cases and do not bear any testimony in support of the erasures and corrections.

After the bills are prepared by the contractors they will either be directly presented by the contractors to the Deputy Chief Electrical Engineer who will send them to the Assistant Superintendent of Mysore Bhadravathi transmission line at Hassan for verification and certificate or they will be presented to the Assistant Superintendent who after verification and certificate send them on to the Deputy Chief Electrical Engineer who will again have the bills checked in his office and will forward them to the Financial Assistant with the necessary certificates where they will be finally checked and passed for payment.

Contractor Doddiah used to take the cheques to the shop of Sait Mangoomal Lundi Das Sait, a local Banker in the Avenue Road, Bangalore City, where they were cashed and was paying the money to D.Ramachandrachar referred to above who used to keep some amount for himself and pay the balance to the Contractor. No account of these transactions are available.

Ramachandrachar who is a clerk in the Chief Electrical Engineer's office on Rs.35/- has been depositing money in the Bangalore City Co-operative Bank. Between 4-1-1935 and 11-3-1935, he has deposited sum of about Rs.5100/- in his name which he was in the habit of withrawing on occasions and crediting as fixed deposit in the name of his wife D.Parvathy Bai, from time to time. Parvathy Bai and himself had a sum of Rs. 4,000/- as fixed deposit in the above Bank which money was withdrawn by the said D.Ramachandrachar on 18-3-1936.

The carting sheets do not seem to have been compared and the bills have been overdrawn by altering the quantity and mileage.

The investigation is proceeding and every carting chit has to be scrutinised, compared and checked with the original and triplicat chits, and also with various other registers which are at Hassan and other places.

Further progress will be duly reported.

COPY

for Inspector General of Police.

CM.

6481/P 38

In all future communications please quote
No. J1-1603/35-36.
Enc. one.

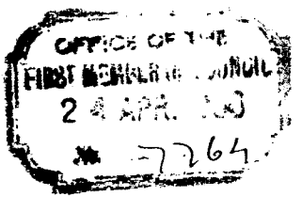
Tel. Address—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 17th April *193* 6

FROM

H.V. Ramasvami, Esq., M.A.,B.L.,
District Magistrate,
Bangalore District.



SEC
1 APR. 1936

TO

A.V. Ramanathan, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

SIR,

Subject:—

In continuation of this office No.J1-P.R.885/35-36 dated 30-3-1936 intimating that the Chief Electrical Engineer has sen a requisition to the District Superintendent of Police regardi the misappropriation of carting charges in connection with the laying of transmission Electric lines from Mysore to Bhadravati and that the matter is under investigation, I have the honour to fo ward herewith for the information of Government a copy of let dated 11-4-1936 reeeived from the City Superintendent of Polic Bangalore intimating that the amount investigated to have been defalcated comes to about Rs.10,000/- and that Ramachandrachar, a clerk in the Chief Electrical Engineer's Office and Doddiah, Contractor have been arrested in this connection.

Further progress will be duly reported.

I have the honor to be,
Sir,
Your most obedient servant,

District Magistrate,
Bangalore District.

17th April

H.V. Ramsayami, Esq., M.A.,B.L.,

..., Ramanathan, Esq., B.,
Chief Secretary to Government,
Bangalore.

In continuation of this office No.Jl-P.M.SEC/38-39 dat
30-3-1938 intimating that the Chief Electrical Engineer has
a requisition to the District Superintendent of Police rega
the misappropriation of carting charges in connection with the
laying of transmission Electric lines from Hyaore to Bhadravat
and the matter is under investigation, I have the honour to in
ward herewith for the information of Government a copy of lett
dated 11-4-1938 received from the City Superintendent of Police
Bangalore intimating that the amount invesigated to have been
defalcated comes to about Rs.10,000\- and that Ramachandracher,
a clerk in the Chief Electrical Engineer's Office and Doddiah,
Contractor have been arrested in this connection.

Further progress will be duly reported.

I have the honor to be,
Sir,
Your most obedient servant

District Magistrate,
Bangalore District.

Letter No.C1-614/35-36 dated 11-4-1936 from the City Superintendent of Police, Bangalore, to the Deputy Commissioner, B'lore

Falsification of accounts in the Electric Department.

In continuation of this office letter No.C1-614 dated 25-3-36 on the above subject, I have the honour to state that on 23-3-36 the Chief Electrical Engineer sent in a letter stating that there has been a falsification of accounts in the carting bills of Contractor Doddiah of Nelamakanahalli in connection with the construction accoun of the Mysore Bhadravathi Transmission line and that amounts much more than admissible had been claimed by fraudulent means and payments made etc.

On receipt of this, a case under Sections 420, 447A I.P.C. has been registered as Cr.No.102/35-36 of the All Station and is being investigated by the Inspector of Police, 'A' Division.

From the investigation so far made, it is seen that a sum of Rs. 10,902-5-0 has been ascertained to have been defalcated and that the amount exceeds the budget by Rs.15000/-

Contractor Doddiah, Patel Siddiah and T. Veerappa are the three contractors who were jointly carrying on the business of carting the poles and other materials on the Mysore Holenarasipur Section. None of these contractors have maintained any account of the carrying business.

The bills of these contractors have been alleged to have been prepared by one D. Ramachandrachar an Account clerk in the office of the Chief Electrical Engineer. The carting sheets were prepared by carbon process in triplicate, the original was kept in the book, the duplicate was given to the contractor and the triplicate was intended to be sent to the sectional officer for purposes of checkin the duplicate.

The bills submitted by the Contractors were supported by the duplicate carting sheets which have been altered, erased and re-writ in many cases and do not bear any testimony in support of the erasur and corrections.

After the bills are prepared by the contractors they will either be directly presented by the contractors to the Deputy Chief Electrical Engineer who will send them to the Assistant Superintendent of My...

or verification and certificate or they will be presented to the

ssistant Superintendent who after verification and certifi-

ate send them to the Financial Assistant with the necessary cer-

ificates where they will be finally checked and passed for

ayment.

Contractor Doddiah used to take the cheques to the shop of

ait Mangoomal Lundi Das Sait, a local Banker in one Avenue Road,

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o Dr. Ramachandrachar referred to above who used to keep some amoun

or himself and pay the balance to the Contractors. No account

f these transactions are available.

er's office on Rs.65/- has been depositing money in the Bangalores

ity Co-operative Bank. Between 4-1-35 and 11-31-36, he has

eposited a sum of about Rs.5100/- in his name which he was in the

habit of withdrawing on occasions and crediting as fixed deposit in

the name of his wife D. Parvathy Bai from time to time. Parvathi

Bai and himself had a sum of Rs.4000/- as fixed deposit in the above

Bank which money was withdrawn by the said D. Ramachandrachar on 18-3

Ramachandrachar and Doddiah have been arrested

sheets, there are no discrepancies between the originals and the du

plicates regarding the quantity and mileage of materials carted in

this section. The duplicates were the basis of the preparation of

the bills.

The carting sheets do not seem to have been compared at the

bills have been overdrawn by altering the quantity and mileage.

The investigations are proceeding and every carting sheet

be scrutinised, compared and checked with the original and tribli-

te chits and also with various other registers which

Hassan and other places.

Further progress will be duly reported.

32

Confidential letter No.J1-1603/35-36, dated 13th May 1936, from the District Magistrate, Bangalore District, to the Chief Secretary to Government.

In continuation of my letter No.J1-1603/35-36 dated the 17/21st April 1936 regarding the defalcation in the Mysore Bhadravathi Electric Transmis: Line, I have the honour to state that the investigation has been completed and the Police propose to place a charge-sheet under Sections 420,468, 477A and 109 I.P.C. against the marginal.

.) N. Doddiah :) Patel Siddegowda ;) T.Veerappa	Carting Contractors.	ly noted six accused persons (vide report of the Inspector of Police, 'A' Division herewith sent in original for perusal and return) Of the six accused the last viz., Mr.T.K.
D.Ramachandrachar Bill Checking Clerk	Office of the Chief Electrical Engineer in Mysore, Bangalore.	
. R.Suryanarayan Rao Bill Checking Clerk		
. T.K.Nanjappa, Head Accountant;		

Nanjappa is the Head Accountant who gets a salary of Rs.100/- per mensem. As he is a public servant not removable from office save by, or with the sanction of Government, sanction of Government is necessary under Section 197 Criminal Procedure Code for prosecuting him. I request you therefore to be so good as to obtain sanction of Government to prosecute this official. A copy of the letter No.C1-614/35 dated 12th May 1936 from the City Superintendent of Police, Bangalore in this matter is herewith sent for reference.

The favour of immediate orders of Government is requested.

"Copy"

M Puttaswamy

Jr. General Secretary to Gov

JD

Letter No.C1-614 dated 12-5-1936 from the City Superintendent of Police, Bangalore, to the District Magistrate, Bangalore District.

In submitting herewith the report of the Inspector of Police, 'A' Division regarding the defalcation in the Mysore-Bhadravathi Electric Transmission Line, I have the honour to request that under the circumstances reported by the Police Inspector, sanction of Government may kindly be obtained early to prosecute Mr. Nanjappa, Head Accountant of the Office of the Chief Electrical Engineer. As soon as sanction is accorded, charge-sheet will be placed before the City Magistrate, Bangalore.

"COPY"

For District Magistrate
Bangalore District

SS/13-5-36.

R E P O R T.

Complainant	Vs.	Accused
Government of Mysore.		1) N. Doddiah) Carting 2) Patel Siddegowda) Contrac 3) T. Veerappa) tors. 4) D.Ramachandrachar,) Oi Bill Checking Clerk;) oi) Cl 5) R.Suryanarayan Rao,) E Bill Checking Clerk) c) E 6) T.K. Nanjappa,) i Head Accountant:) B

SECTIONS: 420, 468, 477A and 109 I.P.C.

Crime No.102/35-36 of AII Stn.

1. The investigation into the case was started on a complaint given on 23rd March 1936 by the Chief Electrical Engineer, to the District Superintendent of Police, Bangalore City, wher in it was stated that a falsification of accou in the carting bills paid to Carting Contract of Mysore-Bhardavathi Section has taken place, amounts much more than admissable have been claimed by fraudulent means and payments made

2. A thorough investigation was thereupon made into the affair, which involved a close scrutiny of a variety of accounts and Register as a result of which it is disclosed that the Government has been defrauded of a sum of Rs 10,289-7-8, in connection with this Section.

3. The fraud has been committed by falsifying the number of materials carted and also th distances for transport of materials and by claiming the amounts for these false figures.

4. In connection with the Mysore-Bhadravathi Transmission line, the materials required, such as Baligi Poles, Special steel Poles, Old Kolar Line Poles etc, were used to be dumped at a few Railway Stations and stored in Stock-Yards, which were kept under the charge of an official. The following were the places where such materials were stored:

(i) Mysore;
(ii) Yedathore;
(iii) Holenarasipur;
(iv) Hassan;
(v) Kadur;
(vi) Chickmagalur;
(vii) Tarikere; etc.

The official in charge of the Stock-yard used to hand over the materials required on the work-spot to the carting Contractor or his Agent who had to cart them to the work-spot and deliver them to the authority concerned.

5. The Carting-sheets are prepared in triplicate by the Despatching Officer by using carbon sheets between them, before the Contractor carts the materials from the Stock-yard to the work-spot. The original is retained in the Block Books in the office of Issue and the duplicate and triplicate are handed over to the Carting Contractor, who takes the acknowledgement of the officer receiving the material, hands over the triplicate form to him and retains the duplicate form. The Carting Contractor encloses the duplicate form of the Carting Sheet as a supporting voucher to the carting claim presented by him to the Deputy Chief Electrical Engineer. On the duplicate copy also, the Receiving Officer will have acknowledged the number of articles received and the mileage upto which these articles are transported. The Carting Bill is then

then prepared on the basis of the duplicate copies as the supporting voucher in the first instance to the Office of the Deputy Chief Electrical Engineer After the same is registered and given a Bill Received Number, it is passed on to the Assistant Superintendent at Hassan for necessary verification The bill is sent back to the Deputy Chief Electrical Engineer with the certificate of the Assistant Superintendent to the effect that the distances claimed in the Carting Sheets are correct and that no Departmental help was given for loading and unloading of a certain Number of Poles etc.

6. In the Deputy Chief Electrical Engineer's Office, the Bills are subjected to further scrutiny and necessary certificates are recorded on the Bills by A6, to the effect that the carting Sheets have been compared with the relative Issue Invoices etc. After the - - Countersignature of the Deputy Chief Electrical Engineer, the Bill goes to the Financial Section, where a Cheque would be issued in favour of the Contractor, after a further scrutiny.

7. The Investigation made so far discloses that the figures in the duplicate Carting-Sheets have been - altered after the bills were received from the Assistant Superintendent's Office at Hassan, duly certified, as regards the distances and the assistance rendered of materials. or loading and unloading. It is found that A4 who is the clerk who prepared the Bills in question and who was himself checking some of them, is responsible for the alterations. The conduct of A5 who has also checked some of the concerned Bills shows that he was also concerned in the fraud.

8. As regards A6, who is the Head Accountant of the Office of the Chief Electrical Engineer, it is elicited during the course of investigation that he was responsible for the correct checking of the Bills with the vouchers and entries in the Invoice Registers maintained by him in the Office. He had also to exercise due scrutiny of the duplicate vouchers. It is also elicited that A6 is responsible to see that the Bill was in Order and the particulars therein were Correct.

In the present case, the investigation discloses t the Head Accountant (A6) is also responsible the fraud along with A4 and A5. False certifies have been given regarding the Issue Invoices, alterations and erasures on the vouchers have n ignored, while no scrutiny has been made of the ls in question, thereby showing that his conduct inconsistent with innocence.

He is an official drawing ... 1C ary and it is ascertained that he is a public vant, not removable from his office save by or n the sanction of the Government.

Since there is sufficient evidence to prosecute him for the offences under Sections 420, 468 and 477A read with Section 109 of the Indian Penal Code, I request that sanction of Govern ent may kindly be obtained under Section 197 Criminal Procedure Code.

Bangalore City,
11 May 1936.

Inspector of Polic
'A' Division.

G. R. S. App. F VI—G 2]

Plesd 34

SUBJECT 28.5

.....

.....

Diary. No. of letter replied to.....

Section Law

File No. 203-35.

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 26.5. 1936

Signed by M. R. J.

Read— Correspondence ending with the letter no. J.-1603/3536 dated 13th May 1936 from the District Magistrate B'lore stating that the investigation re: the defalcation in the Mysore Bhadravathi Electric Transmission line, has been ~~Order thereon. No.~~ Completed and requesting Police Sanction to place a charge sheet under sections 409, 477 A and 109 I.P.C. against ~~xxxxxxxxxx~~ one company and six persons of whom ~~one of the 6 accused~~, viz. T. K. Ranganna ~~is dead~~ being dead and ~~letting~~ Ramaiah ~~gets~~ a salary of

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

~~and recommend a Police per~~

removable from office passed

~~on the sanction of the~~

~~also~~ Solicitor sanction ~~to prosecute~~

~~under~~ sec 197 Cr. P.C. ~~to be~~ applied

~~to the~~ ~~Navigation~~

M.I.O. 7867—71.

~~under sec 197~~

Learned
P.C. sanction is accorded ~~to~~

~~the~~ Mr. T.K. Nayak

Ch. Electrical Engr. B'lore

~~to~~ offence mentioned above. ~~The~~

~~Inspector of Police, Hubli is~~ ~~to~~
~~Under sec 197 (3) Cr P.C. he~~

being

~~is~~ summoned to the

proceedings in the matter before

~~the Investigation of the Ch~~

~~Court~~ B'lore.

your
25/

Examined by

D. M. B'lore

Comptroller

Ch. El. Engr

Secy to Govt. Sls Dept

WD 03602—GPB - 22,500—12-7-75

Sanction 1-7

40

Proceedings of the Government of His Highness

the Maharaja of Mysore.

....

Read:

Correspondence ending with the letter No.JI-1603/55-5f dated 13th May 1956 from the District Magistrate, Bangalore stating that the investigation regarding the defalcation in the Mysore Bhadravathi Electric Transmission line, has been completed and that the Police propose to place a charge sh under Sections 420, 466, 477 A and 109 Indian Penal Code

1. N. Doddiah 2. Mabel Siddegowda 3. A.Veerappa 4. A.Ramachandrachar 5. Bill Checking Clerk 6. Narayanappa Rao 7. Bill Checking Clerk 8. A.Anjappa, Head Accountant	Casting Contractors. Office of the Chief Electrical Engineer to Mysore, Bangalore.	against the marginally noted six persons of whom Mr.A.A

Anjappa being head accountant getting a salary of Rs.100 and hence is a public servant not removable from office se by or with the sanction of Government and therefore solicit sanction of Government under Section 197 Criminal Procedure Code for prosecuting the said Mr.Anjappa.

Ref No P7867-71 Law 203-35-2

Dated Bangalore 25th May 1956.

Under Section 197 of the Code of Criminal Procedure Sanction is accorded to prosecute Mr.A.Anjappa, Head Accountant, Office of the Chief Electrical Engineer, Banga for the offences mentioned above, the District Superintend of Police, Bangalore City being authorised to take further proceedings in the matter before the City Magistrate, Bang here.

By order and

In the name of Government.

To

The District Magistrate, Bangalore.
The Accountant General to Government.
The Chief Electrical Engineer to Govt.
The Secretary to Government, Electrical Department.
The Superintendent General of Police in Mysore.

G. R. S. App. F VI—G 2]

SUBJECT 41

.....

.....

Diary. No. of letter replied to.....

Section Law

File No. 203-35

Serial No. 41

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore:

Date of issue 6.6. ...1936.

Signed by Sec. to G. R. S.

Read— S.O. no. 8. 7867-7

203-35-2 d 26th May 1936

according sanction to

Mr T.K. ranjappa

-air, Executive office of

Electrical Engineer, in

lieu of deputation of

~~Order thereon. No.~~ Mysore Bd

Electric transmission l.

2. Letter no

dated 30th May 1936 from

District Magistrate Bl

Soliciting in re Concern

sanction of fees to any

services of the Mysore Bd

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

6/6

duct in presentation in the
re Case Electrical Department
relation case before the Co
gisture. Note
order: No. P 8113-16.
Sanctioned

Sd. Gen Secy.
3/6/26 ISD 3/6

List of Enclosure

Copied by

Examined by

WD 03602—GPB—22,500—12-7-25

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No. P.7867-71/Law 203-35-2, dated 26th May 1936 according sanction to prosecute Mr. T.K. Manjappa, Head -- Accountant, Office of the Chief Electrical Engineer in connection with the defalcation in the Mysore-Bhadravati Electric Transmission Line.

2. Letter No. J.1.1855/35-36 dated 30th May 1936 from the District Magistrate, Bangalore, soliciting in the circumstances -- stated sanction of Government to engage the services of the Public Prosecutor, Bangalore, to conduct the prosecution in the Electrical Department Defalcation case before the City Magistrate, Bangalore.

Order No. P 8113-6 Law 203-35-4

Bangalore, dated the 6th June 1936.

S A N C T I O N E D.

For General Secretary to Government.

To

The District Magistrate, Bangalore District.

" Public Prosecutor, Bangalore.

" Comptroller to Government.

" Inspector General of Police in Mysore.

TRM.5

7738 P 28

Immediate & Confidential.

In all future communications please quote
No. JI-1939/35-36.
Enc. One.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 18th June 1936.

Law 202-35-5

FROM

H.V. Ramasvami, Esq., M.A.,B.L.,
District Magistrate,
Bangalore District.

TO

A.V. Ramanathan, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

SIR,

Subject:—

I have the honour to state that the City Superintendent of Police, Bangalore reports that,on a complaint received from the Chief Electrical Engineer to the Government of Mysore on 30-4-1936, to the effect that there has been a further falsification of accounts in connection with the remodelling of the Kolar Transmission Line, a case was registered and investigated by 'A' Station. During investigation it is disclosed that an amount of Rs.6143-13-6 has been defalcated. The Police propose to place 4 charge sheets under Sections 420, 468, 477A & 109 I.P.C. against the marginally noted 4 persons (vide report of the Inspector, 'A' Division sent in original for kind perusal and return). Of the 4 accused, the 3rd and the 4th viz.,Mr.K.Suryanarayana Rao and Mr. T.K. Nanjappa get a salary each of Rs.100/- per mensem. As they are public servants not removable from office save by or with the sanction of Government, sanction of Government is necessary under Section 197 Criminal Procedure Code for prosecuting them.

1. D. Ramachandrachar, Accountant, Chief Electrical Engineer's Office, Bangalore.
2. N. Doddiah, Contractor.
3. K. Suryanarayana Rao, Checking Clerk, Chief Electrical Engineer 's Office, Bangalore.
4. Mr.T.K.Nanjappa, Head Accountant, Chief Electrical Engineer's Office, Bangalore.

I request you, therefore, to be so good as to obtain sanction of Government to prosecute these officials.

p.t.o.

I have the honor to be;
Sir,
Your most obedient servant.

W. J. Ramsay
District Magistrate.

District Magistrate.

DISTRICT MAGISTRATE'S OFFICE,
BANGALORE, 1, 1

Dated.....26th..June.....1936.

D. O. T. 1939/35

Dear Sir,

With reference to your D.O. letter No.P. 8577 dated 26-6-1936 regarding sanction to prosecute Messrs. K. Suryanarayana Rao and T.K. Nanjappa of the Chief Electrical Engineer's Office, I write to state that the two Suryanarayana Raos' referred to are two different individuals and that the salary of Mr. R. Suryanarayana Rao being less than Rs.100/- per month sanction of Government was not sought. The pay of Mr. K. Suryanarayana Rao sanction to prosecute whom is now sought, is Rs.100/- per month.

Issue orders above 27/6

Yours sincerely,

N. R. JAYA RAO, ESQ., M.A.,LL.B.,
Assistant Secretary to Government,
General & Revenue Secretariat,
Bangalore

26th June 1936.

Dear Mr. Narayana Rao,

In the District Magistrate's letter No.J1-1939 35-36 dated 18th June asking for sanction to prosecute Messrs. K. Suryanarayana Rao and T.K. Nanjappa of the Chief Electrical Engineer's office, it is said that Mr. K. Suryanarayana Rao is a bill checking clerk - getting a salary of Rs.100 per month. In the case arising out of the Bhadravati Transmission line, sanction was not asked for prosecuting one Mr. R. Suryanarayana Rao who was also reported to be a bill checking clerk. I am to request you to kindly make sure and let me know in the course of <u>today</u>, if the two Suryanarayana Raos are different individuals and whether Mr. K. Suryanarayana Rao draws Rs.100 and Mr. R. Suryanarayana Rao who is already undergoing prosecution draws less than Rs.100.

Yours sincerely,

M. Narayana Rao, Esq., B.A.,
Personal Assistant to the District Magistrate,
Bangalore.

Issue at once
my cycle ender

MM 26/6 No. P. 85/77/ dt 26/6/86

3 PM

Dear Mr Narayanarao,

In the reference made by the
Dy supdt's Bangalore letter No: D1 - 1959/3
dated 18 June asking for sanction to process
Messrs K. Suryanarayanarao & T. Narja
of the Chief Supdt's office, it is said that
Mr K. Suryanarayanarao is a Bill checking clerk
getting a salary of Rs 100/- per month
In the case arising out of the Shavara
Transmission line, sanction was not asked
for prosecuting one Mr K. Suryanarayanarao
who was also reported to be a Bill checking
clerk - I am to request you to kindly
make sure & let me know in the course of today
whether the two
Suryanarayanaraos are different
individuals or not, Mr K. Surya draws
Rs 100/- and Mr K. Suryanarao
who is already undergoing prosecution draws
Rs 100/- per stream

Yours sincerely
MM

Mr. N to do the needful
MM

H. R. S. App. F VI—G 2]

Plest
1.7.36
46

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 27/6/1936

Signed by Mr M. J. R.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Law

File No. 203-35

Serial No. 6

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— S.O. no. S. 9867-71 Law 203-35-2 dated 26.6.36 according sanction to prosecute Mr. T.K. Ranjappa Head accountant office of the Ch. Electrical Engr., in connection with the defalcation in the Mysore-Bhadravati receiving ~~Order thereon.—No~~ transmission line.

2. Letter no. J1-1939/5 dated 18th June 1936 from the Dist. Magte. B'lore stating that the D.S.P. B'lore reports that on a Complaint received from the Ch. Engr. to the effect that defalcation and misappropriation has been a

of accounts in Corporation since
the remodelling of the Kolar Gold
mining Line the police propose
to place charge sheets under
sections 420, 468, 477A, and 109 I.P.C
against the marginally noted persons
and soliciting sanction of Govt
to prosecute Messrs K. Suryanarayana
Rao and T. K. Ranjappa, Checking
Clerk and Head accountant respectively
of the office of the Ch. Elec Engr,
they are drawing a salary of Rs 100 & Rs
and therefore not removable from
office save by or with the sanction
of Govt.

List of Enclosure

order:- MD X 600-604

Under sec 197 of the Code
Criminal procedure Code, sanction
is accorded to prosecute Messrs.
K. Suryanarayana Rao and T. K. Ranjappa, Copied by
Checking Clerk and Head accountant Examined by
respectively of the office of the

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

50

Chief Electrical Engr B'Lore.

for the offences mentioned above the D.S.P. B'Lore City being authorised to take further proceedings in the matter. the City magistrate B'Lore

24/6/36

Sen Secy

22/6/36.

To,

1) The D.M. B'Lore with the investigation,
2) Chief Engr
3) S.P.
4) Higher Officers
5) Spare

T A :-

Government Order No.F.7867-71/Law.203-35-2 dated 26th May 1936 according sanction to prosecute Sri.T.K.Manjappa Head Accountant, Office of the Chief Electrical Engineer, I action with the defalcation in the Mysore Dhadravathi Electr Transmission line.

2. Letter No.J1-1939/35-36 dated 18th June 1936 from District Magistrate, Bangalore, stating that District Superintendent of Police, Bangalore, reports that on complaint received from the Chief Electrical Engineer to the that there has been a further defalcation and falsification o accounts in connection with the remodelling of the Kolar Gold line, the police propose to place in 4 charge sheets under s 420, 468, 477A and 109 I.P.C. against the marginally noted persons and soliciting sanct Government to prosecute Messrs uryanarayana Rao and T.K.Ma Checking clerk and Head Acco respectively, of the office Chief Electrical Engineer, a are Public servants drawing a salary of Rs.100 per mensem a fore not removable from office save by or with the sanctio Government.

1. T.Ramachandrachar, Accountant, Chief Electrical Engineer's Office, Bangalore.
2. Gouda, Contractor.
3. Suryanarayana Rao, Checking Clerk, Chief Electrical Engineer's Office, Bangalore.
4. Sri.T.K.Manjappa, Head Accountant, Chief Electrical Engineers Office, Bangalore.

ORDER NO: P. 8600-604/Law 20

Dated, Bangalore, the 26th June 1936.

27

Under section 197 of the Code of Criminal Proc dure sanction is accorded to prosecute Messrs. T.Suryanarayana and T.K.Manjappa, Checking Clerk and Head Accountant, r of the office of the Chief Electrical Engineer, Bangalore,

for the offences mentioned above, the District Superintendent of Police, Bangalore City, being authorised to take further proceedings in the matter, before the City Magistrate, Bangalore.

In General Secretary to Government.

TSP

To

The District Magistrate, Bangalore, with the investigation report.

" Chief Electrical Engineer in Mysore.

" Inspector-General of Police in Mysore.

" Secretary to Government, Electrical Department.

"Comptroller to Government.

C.R.6

P.R No. 4944/1935-36
Encls. Summons in duplicate.

OFFICE OF THE CITY MAGISTRATE,
BANGALORE

Dated.....24-6-.....*1936*

Law 26 JUNE 1936

Law 26-6-36

FROM

The City Magistrate,
Bangalore.

Hearing.....2-7-1936

To

The Chief Secretary to the
Government of Mysore
Bangalore

SIR,

I have the honor to forward herewith witness / ~~accused~~ summons in duplicate in C. C. No. 1094 / 35-36 on the file of this court and to request that you will be so good to cause the duplicate to be served on the person named therein and return the original to this court with the mode of service duly endorsed thereon so as to reach this court on or before the date of hearing.

I have the honor to be,
Sir,
Your most obedient servant,

City Magistrate,
Bangalore.

WD 1997—GPB—1,000—11-5-34

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue.....

Signed by.....

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No. 203-35

Serial No. 8

No. P. 8650/Secr 2

To

The Dist. Bkne

Sir,

I am directed to forward herewith the duplicate witness summons in C.C. 1092/35-36 on the file of the Court Magte Bkne (Govt vs T.K. Ramappa Jones), and to say that the Bkne District Magistrate's letter dated 13.8.36 (herewith enclosed) summoning the Court may be produced. You will note that there is no need to claim privilege in respect of the document if ~~no privilege can be claimed in respect of it~~.

I have the honour to be,
Sir,
Your most obedient servant,

27/8

for Secretary

27/8

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 20335

Serial No. 9

Diary No. of letter replied to.....

No. P 8649/Enc 1

To The City Magte & Coll

Sir,

I am directed to return herewith the endorsement of service effected on the witness Summons in original in C.C. 1054/35 on your file. sent with your letter no. 4944/35-36 dt. 24.6.36.

The Pbr. S'ble has been instructed to produce the document required.

I have &c.

Dated 27/6 for Secy

27/6

General and Revenue Secretariat

( )

the *193*

Date of issue 29/6/36

Signed by

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

G. R. S. App. F VI—G 2]

Plead 877

56

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

Section Law

File No. 203-3

Serial No. 11

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 6-7- 193 6.

Signed by M. V. R. J.

Read— G.O. no. F. 8600-60 Law 203-33-6 d 29th June 1936 according sanction to pmt Messrs. K. Sanjeevaraya Rao T. K. Ranjappa, Checking and accountants ✱ respe of the office of the Ch. El Order thereon.—No. B'lore in Co with the de-selection in the remodelling of the Kolar Gold line in the Electrical Dept.

2. Correspondence ending with the letter no. J. - 1939/33- d 3.7.36 from the Secy. B'lore submitting that the Con

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

4

police reports have on charge sheets
have been placed against the accused
at Cox Magistrates / Bow and
inviting sanction of Govt
engage the services of the Solr
now to Conduct the Prosecution
in said Case

Order:- P190—5

Sanctioned

Genl Secy
Treasy

To,

re D. M. O'Loe

Solr. O'Loe

Comptroller

Asst Secy

Ch. Electl Engr

Secy Electl Dept

List of Enclosure

Copied by

Examined by.

524 08 p836

NO. ...1./.....
Enc. 35-36

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Immediate and confidential. *Bangalore,* .....3rd July.....*193* 6.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

I have the honour to acknowledge receipt of your letter No.P. 8650 dated the 29th June 1936 with enclosures. Although there is nothing in the document summoned in itself, yet, the production of the same same will lead to several complications as a series of questions directed to the references contained in the document and to those documents will lead to the production of other priveleged documents.

Under the circumstances I suggest that it would be advisable to claim privelege in respect of the document.

From what I have been able to gather from the records of the c I do not think that sanction of Government is necessary under Secti 196 to prosecute any of the accused persons, as none of the accused appear to be Public servants not removable from office save by or with the sanction of Government. I request favour of defenite instructions in the matter immediately.

I have the honour to be,
Sir,
Your most obedient servant,

Doraswamy Iyer
Public Prosecutor.

KHR.

177 pb36.

No. 25/36-37

Enc. (2)

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 7th July *193* 6

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

Electrical Department Defalcation case.

I have the honour to state that the above case commenced on the 2nd instant and has been proceeding from date to day. The first witness for the prosecution was examined in chief on the 6 instant and his evidence is continuing. In connection w... ce tain documents which were called for by the accused and which ha been referred to in your letters. Nos. P.63 dated the Ist instan and 8650 dated the 29th June I936, arguments were heard and orde were passed. Copies of the orders are annexed herewith for inf mation of Government. Certified copies of depositions will be sent in due course and further progress intimated.

Submitted for perusal

Yes sey

7/7/36

8 JULY 1936

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

KHR.

60

IN THE COURT OF THE CITY MAGISTRATE, BANGALORE CITY.

C.C.No.1094/35-36.

overnment Vs. .Doddaiya & others.

ORDER.

..6 on 30-6-36 presented an application and prayed the Court to direct the prosecution to (1) supply certain defects in the charge sheets against him in C1094, etc., (2) not to permit the prosecution to give any additional witness list, (3) to try ..6 separately from the other accused; (4) and to direct the prosecution to close their case as early as possibl 2. egarding the first point it is urged that Col.No.7 in the charge sheet is too brief. I concede that the information in Col..o.7 is rather brief. I have already directed the ublic rosecutor to furnish the serial number and date of the carting vouchers mentioned in the charge sheet and to state on the information available to him the exact amount which the lectric epartment was induced to deliver on account of the alleged fraudulent conduct of the accused. he ublic rosecutor contends that ..1 to ..5 together with the connivance of 4 to ..6 committed the offence according t him and that the entire bill and carting vouchers were falsif and that therefore there is no ambiguity in the charge sheet. I accept his contention and hold that the serial numbers of the carting vouchers and the amount in respect of which the deception is said to have been practised should be incluied in the charge sheets to enable the accused to know the case against them more fully. But I cannot hold that the charge sheet is not in conformity with S.173 C.P.C. so far as Col. .o.7 is concerned (vide 1929, ad.... .504).

3. egarding Col..o.5 in the charge sheet no amendment is needed as, col.No.6 refers to annexture .o.2 which gives sufficient information about the documents and articles seize by the olice.

4. ...e: Col..o.6, the prosecution need put in only the ... ...es of the witnesses as required by S.173 Cr.P.C (vide also ... ...AIR ...y.L.J.(...).444)when it was held that the ac used was not entitled to get a copy of any detail of the particular evidence which a witness is expected to give as noted in the charge-sheet. (1929 Mad...W.504). In my opinion Col.No.6 is properly filled up and requires no amendment.

5. The ...P. states that all the witnesses known to be acquainted with the case have been cited and that if there is any necessity to examine witness not known to the prosecution now, he may be permitted to examine them under ... 252 ... 253 of the Cr.P.C. It is too premature for me to pass any order about item No.II in para (1) of this order.

6. No grounds are made out to try .6 separately from the rest. Section 239 enables me to try him jointly with the other accused. To save the time of the court and the expense, it is necessary to hold a joint trial. Further the ends of interests of justice require that all the accused who are alleged to have committed jointly certain offences, should be tried jointly.

7. I am proceeding with the case as quickly as possible and the ... states that he will try to examine all the prosecution witnesses before the close of this month.

In Open Court

Sd/- G. N. Nagaraja Rao,
C.M. ...lore City.
3-7-36.

For a warning

H. H. COURT OF THE CITY MAGISTRATE, BANGALORE CITY.

C.C.No.1096/35-36.

Govt. Vs. H.Doddaiya & 5 others.

1. The 5th accused in this case filed on 24-6-36 an application under S.94 of Cr.P.C and requested the Court to summon some documents,registers and papers in the custody of the Electr ore and Chief Secretar tothe Govt. of Mysore. Summonses were duly issued by the Court for the production of the records wanted by the accused. The A.P. conveying respectively the decisions of the Chief Engineer, who is the head of the Electric Department and the Chief Secretary to the Govt. of Mysore, has claimed privilege under sections 123 and 124 of Indian Evidence Act in respect of the some of the documents summoned. I have to consider now whether the privilege claimed can be upheld.

2. A.P. wants the statements made by Mr.Foregard and his Accounts Clerk H.B.Power during the departmental enquiry held in connection with the cases against the accused. Re: these statements, the A.P. states that he is authorised to state that these two persons who are the official subordinates of the Chief Electrical Engineer were orally examined by the Chief Electrical Engineer and that a stenographer made notes of what they stated and that the Chief Electrical Engineer claimed privilege under Sections 123 & 124 of Indian Evidence Act.

3. A.P. wants the departmental orders passed regarding the conduct of the subordinates in connection with the enquiry conducted by the Chief Engineer, Elecl. Dept. Govt. of Mysore regarding this also, the A.P. submits that he has been authorised to claim privilege under S.123 and 124 of the Indian Evidence Act.

4. A.P. wants the Chief Secretary to the Govt. of Mysore to produce the report of the District Magistrate, Bangalore, which

is the basis of the Govt. Order No.P7867-7X/Law 205-35-2 dated 20-5-36 sanctioning the prosecution of A.6. The A.P. in this case also states that he has been instructed to claim privilege under S.123 and 124 of the Indian Evidence Act. He relies on the decisions in AIR XXIV MCCR P.108 and 8 Mysore Law Journal P.470.

3. Mr.M.V.Krishna Rao for the 6th accused argued contra relying on AIR 1935 Sind P.30, 1933 Madras P.65, AIR 13 Cr.L.J. P.445., and 39 Mysore High Court Reports P.108.
He contends that the departmental order referred to in the 3rd para of this order is a published official record.

6. As: the item referred to in para 2 of my order, it is clear that the document wanted by A6 is a communication made by one officer to another in official confidence and as per decisions relied upon by the P.P., the documents are privilegedunder S.123 and 124 of the Indian Evidence Act. 1935 Mad reg Page 65 and 13 Cr.L.J.445 are not applicable on all fours with the facts of the present case. In those decisions, the court had to decide whether the statements made before the police during a departmental enquiry were privileged. In those cases certain accusations were preferred before the police officers holding the enquiry and it was held that S124 of the Indian Evidence Act had no application in such cases. AIR 1935 Sind 16 follows these two decisions.

7. Facts relating to decision, 39 Mys. H.Court reports 10 are also not applicable tothe facts of the present case. In that case the accused wanted the court to call for the Service Register of a Police Inspector. The Magistrate before whom the application was made rejected the application and didnot sum on the register. So the High Court referring to S.162 of Indian Evidence Act ordered that the Magistrate should sum on the register and to permit the accused to make such use of it as he may be legally entitled

to. It is perfectly clear from this decision that the Court should summon the document if it is satisfied that it is relevant and that the witness producing the document must bring it to the court notwithstanding any objection which there may be to its production or to its admissibility and that the court should decide whether the objection is valid or not. The privilege claimed must be reasonable and just. In 39 Mys.H.C.108 the High Court purposely required the Magistrate to settle the right of the accused to make use of the document and directed him to summon the document.

6. In the present case, the documents required as per para 2 to 4 have been summoned and they have been brought to the court and the privilege has been claimed. In my opinion the privilege claimed in respect of the documents referred to in para 2 to 4 is valid.

9. As: the items in para 3 of this order, Mr.Krishna Rao has not shown to me how a departmental order about the conduct of one of the officials is an official record which has been published. It is rather a communication made by one officer to another in official confidence and the decisions relied upon by the A.P. show that the privilege claimed is valid. As; the item in para No.4 of this order, the report of the Asst. Magistrate is a communication made in official confidence to the Chief Secretary and I hold that the report is privileged under Sec.124 of the Indian Evidence Act.

10. It is not my duty to decide whether the public interests would suffer by the disclosure of the communication made in official confidence by one officer to another and as laid down in 34 MLJ 105, the head of the department or the officer concerned is the sole judge in the matter. In conclusion I uphold the privilege claimed by the A.P. and refuse to compel the production of the documents in para 2 to 4 of this order. I note that the particulars furnished about item No.I(7) in the application of A6 under 394 are vague and I direct A6 to

to furnish further particulars to enable me to issue summons once more. This case will be taken up when [illegible] is ready to go on.

In Open Court

[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 249 Law 203-35

Dated, Bangalore, 7th July *1936.*

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division, Bangalore.

Subject:- File of the City Magistrate, Bangalore
(Government -VS- T.K. Nanjappa & others.)

Sir,

With reference to your letter No.17/35-36 dated 3.7.1936, pointing out that sanction of Government under Section 196 is really unnecessary to prosecute any of the accused in the above case and requesting for definite instructions in the matter. I am to forward herewith a copy of Government Order No. E. D. S. 373-430 dated 25th July 1924 defining the powers of the Chief Electrical Engineer and to state that it shows that sanction of Government is necessary in the case of persons whose pay or the maximum pay of whose grade is Rs.100/- or above.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Government.

K.M.R.2.

Appendix F G—1]

67

SUBJECT.....

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.....

Section Law

File No. 203/38

Serial No.

Diary No. of letter replied to.....

No. P269

To

The Hon. Bar. Bloxe

General and Revenue Secretariat

( )

the *193*

C.C. 1056/35-36 on the file of the City Magt. Bloxe (Govt vs T.K. Ramjappa & others)

of issue 8.7.36

Sir,

d by Mr. V.R.J.

With reference to your letter no. 17/35-36 dt 3.7.36 pointing out that sanction of Govt under sec 196 is ~~required~~ unnecessary to prosecute any of the accused in the above case and ~~from office note by~~ of Govt and that therefore no sanction of Govt is necessary to prosecute them I am directed to forward herewith a copy of G.O. no. E.D.S. 373-43 dated 25th July 1936 defining the

List of enclosures..... regarding for departmental instructions in the matter,

Copied by..... I am to ~~forward~~ ~~for information~~ a copy of

Examined by.....

and to state that it shows

~~The This shows that~~

that sanction of govt is necessary in the case of persons whose pay or the maximum pay of ~~the~~ whose grade ~~of the accused is~~ above Rs 100/- Hence ~~I request that you~~ ~~enquire~~ what is pay and the grade of T. Narayappa, ~~R Somu~~ ~~Upadhyaya & K Narayanachar~~ are.

that it is clear therefrom that T. K. Narayappa who is drawing ~~Rs 100/-~~ is not removable from office without the sanction of Govt and therefore sanction of Govt under sec 136 is necessary for its prosecution.

I have etc

Dy Gen Secy

Post

7/7

ISD

7/7

Appendix F G—1]

SUBJECT ..... by .....

.....

.....

Section Law

File No. 202-25

Serial No. 12

Diary No. of letter replied to ..... D. O No Immediate

To P272

Dear Sir: Hayath

I am desired to re
Government kindly ha
you to furnish particulars about the grade
pay and the
grade of R. Swayan
Balcheeruy - erk
and K. Swayanarayanarao
both the chief Cl: Sup's.
clerk of Office. C
the latter
prosecutions have been sa
in G.O No. P8600-604/Law
27 June 1936 and that R. Sw
is involved in the case re
to the Bhadravati line.

Yours fa

MM

M. Hay. II Esq BE. ASE
DC EE:, Store

General and Revenue Secretariat

( )

the *193*

Date of issue 8.7.36

Signed by M. N. R. L.

Issue at once
MM 8/7/36

List of enclosures .....

TYPING SECTION
8. JUL. 1936
GENL & REV. SECTT.

Copied by .....

Examined by .....

Dear Mr. Hayath,

I am desired to request you to furnish particulars about the pay and the grade of R. Suryanarayana Rao, Bill Checking Clerk and K. Suryanarayana Rao. Checking Clerk both of the Chief Electrical Engineer's Office. You know the latter's prosecution has been sanctioned in Government Order No. P. 8600-60/Law dated the 27th June 1936 and that R. Suryanarayana Rao is involved in the Case relating to the Bhadravati line.

Yours sincerely,

M. Hayath, Esquire, B.E., B.S.E.E.,
Deputy Chief Electrical Engineer,

3922/P836

IR. F. N. MOWDAWALLA,
M.A., B.Sc., M.I.E.E.,
HIEF ELECTRICAL ENGINEER.

OFFICE OF THE CHIEF ELECTRICAL ENGINEER
TO THE GOVT. OF MYSORE.

BANGALORE, 9th July 1936
(S. INDIA)

D. O. No. 12

Dear Mr. Jaya Rao,

With reference to your D.O.No.P.272 dated 8th July 1936, I write to inform you that it is one Mr. R. Suryanarayana Rao that was connected with the checking of the bills of the Office of the Chief Electrical Engineer. I noticed that the name had been put down as K. Suryanarayana Rao in G.O.No.P.8600-604/Law dated 27th June 1936 which I presume to be a typographical error. Mr. R. Suryanarayana Rao was drawing a salary of Rs45/- in the grade Rs30-3-45.

Yours sincerely,

To

N.R.Jaya Rao, Esq., M.A., LL.B.,
Assistant Secretary,
Law Department,
Bangalore.

No. 30/36-37

Enc. One

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 9th July *19*

Confidential.

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

Re: Electrical Department Defalcation case.
(Government -VS- T.K. Nanjappa and others.)

I have the honour to acknowledge receipt of your letter No. P.249 Law 203-3-35 of the 7/8th instant together with the Government Order enclosed therewith and to note that sanction of Government is necessary to prosecute persons whose pay is Rs.100/- or persons whose grade is Rs.100/- or more.

In this connection I invite your attention to G.O. No.P.8600 Law 203-35-6 dated 27-6-36 sanctioning the prosecution of one K. Suryanaraya Rao and T.K. Nanjappa in connection with the defalcation in the Kolar transmission line in the Electrical Department and directing me to prosecute the same by G.O.No.P.190-5 Law 203-5-II dated the 6th instant.

I am informed by the Investigating officer in the case that the name of the Ist accused in the G.O. cited is R. Suryanarana Rao and not K. Suryanarayana Rao, and that he is the same accused as the 5th accused in the connected case of defalcation in connection with the Mysore Bhadravathi Transmission Lines. In the latter case no sanction has been accorded by Government for his prosecution, while in the case under reference sanction has been granted for his prosecution.

I requested to be informed whether sanction is as a matter of fact necessary to prosecute the said Suryanarayana Rao in the cases under reference. ~~XXXX~~ The G.O. No. P. 8600/-60 Law 203-35-6 dated the 27th June 1936 accords sanction to prosecute one K. Suryanarayana Rao. ~~xxx~~ As the name of the said accused who has been charge~~d~~ sheeted appears from the report of the Police Inspector to be R. Suryanarayana Rao, I request that suitable orders of Government be passed in the matter after enquiry.

In both the defalcations in question another clerk Ramachandra~~Rao~~ is also an accused. In view of the decision reported in 1934 R. 238, sanction may be considered necessary for all the official accused in the aforesaid cases ~~and~~ if it is considered as it has till now been held that sanction of Government is required for the prosecution of only persons whose pay or the maximum pay of whose grade is Rs.100/- or above, then according to the correction slip No.5 8/9 -5-1927 issued with G.O. No.EDS.373-430 dated 25-7-, no sanction appears to be necessary to prosecute T.K. Nanjappa, who also salary or grade does not appear to be over Rs.100/-.

Under the circumstances I solicit instructions of Government the matter and also request that the G.O. No.P.8600/Law 203-35-6 27-6-36 be modified suitably, if it is considered necessary.

I have the honour to be,
Sir,
Your most obedient servant,

S Doraswamy Iyer
Public Prosecutor.

KHR.

Encl - original report of Investigating Officer.

Confidential

Submitted

As per Govt.Order No.P.1905. Law 203-35-11 dated Bangalore 6th July 1936 according sanction for the prosecution of Messrs. K.Surinarayan Rao & K.Nanjappa Clerk & accountant of the office of the Chief Electrical Engineer, Bangalore, I beg to state that the said K Surinarayana Row referred to in the above order is R.Surinarayan Row accused No.5 in Mysore Bhadravathi Transmission line Cr.No.102/35-36 of A2 Station. C.C.No.1095/35-36 on the file of the City Magistrate's Court, Bangalore City.

Police Inspector

Submitted to the Public Prosecutor Bangalore Division.

Proceedings of the Government of

H.H. the Maharaja of Mysore.

Read-

G.O. No.P.8600-604/Law 203-35-6 dated 27th June 1936, according sanction to prosecute Messrs. K. Suryanarayana Rao and T.K. Nanjappa, Checking clerk and Head Accountant respectively of the office of the Chief Electrical Engineer, Bangalore, in connection with the defalcation and falsification of accounts in the Kolar Transmission Line.

Order No. P 5980-5 / Law 203-35-14

Dated Bangalore, 21 July 1936.

It is since reported that Suryanarayana Rao whose prosecution has been sanctioned in the G.O. read above, was drawing a salary of Rs.45 per mensem p.m. and not Rs.100 as previously reported and that his initial is P and not K. Government therefore direct the order of 27th June 1936 be read subject to the corrections above indicated.

Sd/ 17/7

pre 16/7 General Secretary to Govt.

To

The Chief Electrical Engineer,
The District Magistrate, Bangalore,
The Public Prosecutor, Bangalore,
The Inspector General of Police,
The Secretary to Govt., Elec. Deptt.
The Comptroller to Govt.

G. R. S. App. F VI—G 2]

76

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 21-7-36 193

Signed by N.R.J.

Read— G.O. No. P8600-604/La 203-35-6, Dated 27-6-36, ac Sanction to prosecute Messrs K. Suryana Rao and T.K. Manjappa, Checki clerk and Head Accountant Respectively of the office of the Chief Electrical Engineer, Bangalore ~~Order thereon. No.~~ in Connection with the defalcation and falsificat of accounts in the Kolar Transmission Lines.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

in the G.O. Read above, was drawing a Salary of Rs 45 per mensem and not Rs 100 as previously reported and that his initial is R and not ~~[illegible]~~ ~~but up as K. instead~~ ~~of~~ ~~by the in drawing a salary of less than Rs 100 p.m. under Sec 197 CrPC sanction of Govt was not necessary to prosecute him under section of Cr.P.C.~~

Govt accordingly ordered alterations being made in the Govt order

In these circumstances we are pleased to accord therefore under these circumstances, Govt direct the order of 27 June 1936 ~~be modified~~ ~~corrected~~ ~~accordingly~~ be ~~the above accordingly~~ Sd corrections

are G.O. as to sanction the prosecution of G. V. Nanjappa only.

General Dept

16/7/36

16/7

To

The Chief Electrical Engineer,
The Dist Magistrate, Bangalore
The Public Prosecutor, Bangalore
The G. G. P., Bangalore
The Secy to Govt, El. Dept
The Comptroller

Copied by

Examined by

WD 03609—GPB—22.500—12-7-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 22nd July *193* 6

No. P 64/Law 203-35-15.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

With reference to your letter No.30/36-37 dated 9th July 1936, raising some points regarding the form and necessity of sanction under Section 197 Criminal Procedure Code for prosecuting T.K. Nanjappa and others in the Electrical Department Defalcation case, I am to invite your attention to Government Order No.P.580-5/Law. 203-35-14 dated 21st July 1936 (copy of which has been sent to you separately) which corrects the mistake about the initials and pay of Suryanarayana Rao referred to in the Government Order No.P.8600-604/Law.203-35-6 dated 27th June 1936.

As regards the decision reported in 1934 Rangoon 238, I am to invite your reference to the decisions in 1926 All. 271, 1935 Mad. 442 and 1935 Ragoon 263. It therefore follows that if the correction slip dated 25th July 1924 applies to Nanjappa, sanction under Section 197 Criminal Procedure Code may not be necessary even in his case. Since however such sanction has already been given, Government consider that it may stand and that no further orders are necessary.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

22/7/36

SUBJECT .....

.....

.....

Section Law

File No. 203-35

Serial No. 15

Diary No. of letter replied to .....

No P641

To The Public Prosecutor
Bangalore

General and Revenue Secretariat

( )

the *193*

Sir,

I

Date of issue 22-7-36

No. 30/36-37. Dated 9th July 1936,
addressed to Government
your attention is drawn to some
points regarding the form of
necessity of sanction under
Sec 197 Cr. P. Code for prosecuting
T. K. Nanjappa & others in
the Electrical Dept Defalcation
Case, I am to invite your
attention to G.O No. P580-5
Law 203-35-14 dated 27th July
1935, (copy of which has been
sent to you separately) wherein

Signed by Dr. N. K. J.

List of enclosures .....

Copied by .....

Examined by .....

Correct the mistake about
the minutes of Surya Narayana
referred to in the G.O No: P 8600 dt.
Law 203-35-6 dated 17.6.36.

As regards the decision reported
in 1934 Rangoon 222 I am to invite
your reference to the decisions in
1926 All 271, 1935 Mad 442 and
935 Rangoon 263. ~~and Sinda~~ It therefore follows that
~~sanction~~ sanction under sec 197 Cr.P.C. ~~is not~~
necessary in the cases of
~~Annachamachar and Suryanarayana~~
may not be necessary even in his
case. ~~of Nanjappa, but that~~ Since however such sanc
~~sanction~~ has already been given, Govt consider
it unnecessary ~~in the case~~ that no further

~~accordance with the~~ ship dated 25-7-1
applies to Nanjap

No. 134

36-37

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore 23rd July 1936.

Law 203-36-16

Dear Mr Jaya Rao,

Electrical Department defalcation case before the City Magistrate, Bangalore.

It will be necessary for me to obtain certified copies of the depositions of the witnesses examined in this case and also of some of the exhibits filed in court. I hope that sanction of government will be accorded for incurring the cost therefor. The actual bill or expenses will be included in my bill or remuneration.

Yours sincerely,

N.R. Jaya Rao, Esq., M.A.,LL.B.,
Assistant Secretary,
Law Department, Bangalore.

KHR.

D. O. No. P693
of 24.7.36.

Dear Mr Doraiswamy Iyer,

Your D.O. No. 134/3L-2
of 23.7.36 re
Short Dept Defalcation
case.

I do not think
Govt will have any
objection to meet any reasonable
expenses which you may be put to
in obtaining certified
copies of depositions and
of necessary exhibits.
You may include the
amount actually incurred
in your remuneration bill
as usual.

Yours sincerely

24/7

~~List of Enclosure~~

Copied by

Examined by

3602—GPB - 22,500—12-7-35

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

Section new

File No. 203 -

Serial No.

General and Revenue Secretariat

the 193 } *Proceedings of the Government of His Highness the Mah* *Mysore.*

Date of is

Signed by

Read Letter No. /134/36-37,
23rd July 1936 from the P.Pr, B'lore
Soliciting sanction for incurri
the cost in obtaining the
certified Copies of depositions and
exhibits in the Electrical Depth
Application Case before the My Hig
Court thereon. No. Bangalore

(i) pl

(ii) tr

(iii) p

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

STP -

D.O.No.

Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 30th September 1936.

Dear Mr. Jaya Rao,

As your evidence is necessary in the Electrical Department defalcation case I request you to kindly attend the court with the necessary papers tomorrow at 12 noon.

1/10/36 12.30 PM

Yours sincerely,

D Doraswamy Gr

N.R. Jaya Rao, Esq.,M.A.LL.B.,
Assistant Secretary,
Law Department,
G.R.S. Bangalore.

GENERAL AND REVE

D. O. No. P693.

Dated, Bangalore,.....

Dear Mr. Doraswamy Iyer

Your D.O. No. 134/36-37 dated 23rd July 1936 regarding Electrical Department Defalcation case.

I do not think Government will have any objection to meet any reasonable expenses which you may incur in obtaining certified copies of depositions and of necessary exhibits. You may include the amount actually incurred in your remuneration bill as usual.

Yours sincerely,

M Gore Dec 9

G.S.Doraswami Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore Division.

GENERAI AND REVENUE SECRETARIAT,

Dated, Bangalore, 1st October 1936.

85

12.30 P.M.

My dear Mr.Doraswamy Iyer,

Your D.O.No.560 of 30th September 1936 reached me just now. I do not know what are the necessary papers you refer to therein. Please send over a list of the papers you want me to bring so that I may obtain orders of Government and then attend court.

Yours sincerely,

PP tells me that my evidence is not necessary — pm 3/10/36

G.S.Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.